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Dataway, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AT&T Corp.

PLAINTIFF,

v.

Dataway, Inc.

DEFENDANT.

CASE NO. C07-02440 EDL

**[PROPOSED] ORDER DENYING
PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S COUNTERCLAIM**

Dataway, Inc.

COUNTERCLAIMANT

v.

AT&T Corp.

COUNTERDEFENDANT

**Date: January 8, 2008
Time: 2:00 PM
Courtroom: E**

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ORDER

GOOD CAUSE BEING SHOWN by Defendant Dataway, Inc.
("Dataway"), IT IS ORDERED THAT Plaintiff AT&T's Motion to Dismiss the First,
Second, Third and Fifth counts of Dataway's Counterclaim is hereby DENIED.

Dated: January 8, 2008

ELIZABETH D. LAPORTE
United States Magistrate Judge